

Docket No.: E3331.0586
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Michael Togher, et al.

Application No.: Not Yet Assigned (Divisional of
Appln. No.: 09/563,461)

Group Art Unit: N/A

Filed: Concurrently herewith

Examiner: Not Yet Assigned

For: CREDIT MANAGEMENT FOR
ELECTRONIC BROKERAGE SYSTEM

INFORMATION DISCLOSURE STATEMENT (IDS)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 CFR 1.56, the attention of the Patent and Trademark Office is hereby directed to the references listed on the attached PTO/SB/08. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the references be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

This application is a divisional of application Serial No. 09/563,461, filed May 2, 2000, which is a continuation of application Serial No. 09/169,884, filed October 12, 1998, which is a continuation of application Serial No. 08/665,594, filed June 18, 1996, which has issued as U.S. Patent No. 6,014,627, which is a continuation of application Serial No. 08/324,843, filed Oct. 18, 1994, now abandoned, which is a continuation of Serial. No. 07/830,408, filed Feb. 3, 1992, which has issued as U.S. Patent. No. 5,375,055.

This Information Disclosure Statement is submitted herewith citing the art of record in the parent. In accordance with Office practice, **no copies of the cited references are submitted herewith**. Of course, copies of any reference will be provided upon request.

Timing of Filing of the Information Disclosure Statement:

- ☒ This IDS is being filed before the First Office Action¹.
- ☐ This IDS is being filed after the issuance of the First Office Action but before the issuance of a Final Office Action².
- ☐ This IDS is being filed after the issuance of a Final Office Action but before the payment of the Final Fee³.

Certifications:

If checked, the undersigned makes the following statement(s):

- ☐ Statement under 37 CFR 1.97(e):
- Each item of information contained in this information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this information disclosure statement; and/or

No item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in this information disclosure

¹ The IDS should, where possible, include a certification under 37 CFR § 1.97(e).

² The IDS *must* include *either* a certification under 37 CFR § 1.97(e) *or* the fee set forth in 37 CFR § 1.17(p).

³ The IDS must include both a certification under 37 C.F.R. §1.97(e) *and* the fee set forth in 37 C.F.R. §1.17(p).

statement was known to any individual designated in 1.56(c) more than three months prior to the filing of the information disclosure statement.

☐

Statement under 37 CFR 1.704(d):

Each item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart application and this communication was not received by any individual designated in 1.56(c) more than thirty days prior to the filing of this information disclosure statement.

Fee Required by 37 CFR 1.97(c)(2) or 1.97(d)(2):

☐

If checked, the fee of \$180.00 set forth in 37 CFR 1.17(p) is attached.

Materiality:

While the information and references disclosed in this Information Disclosure Statement may be “material” pursuant to 37 CFR 1.56, this submission is not intended to constitute an admission that any patent, publication or other information referred to therein is “prior art” for this invention unless specifically designated as such.

In accordance with 37 CFR 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 CFR 1.56(a) exists. It is submitted that the Information Disclosure Statement is in compliance with 37 CFR 1.98 and the Examiner is respectfully requested to consider the listed references.

Application No.: Not Yet Assigned

Docket No.: E3331.0586/P586

The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 50-2215, under Order No. E3331.0586/P586.

Dated: September 17, 2003

Respectfully submitted,

By


Joseph W. Ragusa

Registration No.: 38,586

DICKSTEIN SHAPIRO MORIN &
OSHINSKY LLP

1177 Avenue of the Americas

41st Floor

New York, New York 10036-2714

(212) 835-1400

Attorney for Applicant

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Substitute for form 1449/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i>				Complet if Known	
				Application Number	Divisional of 09/563,461
				Filing Date	Concurrently Herewith
				First Named Inventor	Michael Togher
				Art Unit	N/A
				Examiner Name	Not Yet Assigned
Sheet	1	of	4	Attorney Docket Number	E3331.0586/P586

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
	AA	US-4,980,826	12/1990	Wagner	
	AB	US-5,038,284	8/1991	Kramer	
	AC	US-5,077,665	12/1991	Silverman et al.	
	AD	US-5,136,501	8/1992	Silverman et al.	
	AE	US-5,375,055	12/1994	Togher et al.	
	AF	US-6,014,627	12/1994	Togher et al.	
	AG	US-4,942,616	7/1990	Linstroth et al.	
	AH	US-5,787,328	7/1998	Sugihara et al.	
	AI	US-5,842,178	11/1998	Giovannoli	
	AJ	US-5,802,499	9/1998	Sampson et al.	
	AK	US-5,806,050	9/1998	Shinn et al.	
	AL	5,787,402	7/1998	Potter et al.	
	AM	5,758,328	5/1998	Giovannoli	
	AN	5,727,165	3/1998	Ordish et al.	
	AO	5,655,088	8/1997	Midorikawa et al.	
	AP	5,508,913	4/1996	Yamamoto et al.	
	AQ	5,305,200	4/1994	Hartheimer et al.	
	AR	5,297,031	3/1994	Gutterman et al.	
	AS	5,298,578	2/1994	Hartheimer et al.	
	AT	5,258,908	11/1993	Hartheimer et al.	
	AU	5,195,031	3/1993	Ordish	
	AV	5,168,446	12/1992	Wiseman	
	AW	5,101,353	3/1992	Lupien et al.	
	AX	5,003,473	3/1991	Richards	
	AY	4,750,135	6/1998	Boilen	
	AZ	4,677,522	6/1987	Sibley, Jr.	
	AA1	5,963,923	10/1999	Garber	
	AB1	5,924,082	7/1999	Silverman et al.	
	AC1	5,918,218	6/1999	Harris et al.	
	AD1	5,915,245	6/1999	Patterson, Jr. et al.	
	AE1	5,297,032	3/1994	Trojan et al.	
	AF1	5,267,148	11/1993	Kosaka et al.	
	AG1	4,903,201	2/1990	Wagner	
	AH1	4,674,044	6/1987	Kalmus et al.	
	AI1	4,412,287	10/1983	Braddock, III	
	AJ1	3,573,747	4/1971	Adams et al.	
	AK1	5,243,331	9/1993	McCausland et al.	

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)				
	BA	0 411 748	May 1990	EP		
	BB	0 512 702	April 1992	EP		

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Substitute for form 1449/PTO <h2 style="text-align: center;">INFORMATION DISCLOSURE STATEMENT BY APPLICANT</h2> <p style="text-align: center;">(use as many sheets as necessary)</p>				Complete if Known	
				Application Number	Divisional of 09/563,461
				Filing Date	Concurrently Herewith
				First Named Inventor	Michael Togher
				Art Unit	N/A
				Examiner Name	Not Yet Assigned
				Attorney Docket Number	E3331.0586/P586
Sheet	2	of	4		

	BC	0 407 026	Jan. 1991	EP		
	BD	0 399 850	Nov. 1990	EP		
	BE	0 625 275	Nov. 1994	EP		
	BF	93/15467	8/1993	PCT/WIPO/VO		
	BG	96/05563	2/1996	PCT/WIPO/VO		
	BH	97/45802	12/1997	PCT/WIPO/VO		
	BI	97/22072	6/1997	PCT/WIPO/VO		
	BJ	97/08640	3/1997	PCT/WIPO/VO		

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the application number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	CA	Declaration of William Lloyd Donner, Jan. 1998.	
	CB	Money Match, Functional Specification, Version 1, Aug. 1990, The Sequor Group Inc. Software Services.	
	CC	Earle, Dennis M. New Path for Trade Settlement, Wall Street Computer Review.	
	CD	Schmerken, Ivy Banks Eye Forex Matching Systems, Wall Stree Computer Review, vol. 9, No. 2, p. 45.	
	CE	Campbell, Carl M. Jr., A Microprocessor-Based Module to Provide Security in Electronic Funds Transfer Systems, IEEE Compcon, Fall of 1979.	
	CF	Wilson, John F., On-Line International Cash Management, Annual ACM Conference, 1983.	
	CG	Burman, Michael, Aspects of a High-Volume Produccion Online Banking System, IEEE Compcon, Spring of 1985.	
	CH	Weintraub, B.A., Managing Change in a High Dollar Electronic Funds Transfer Environmnet, IEEE Compcon, Spring of 1987.	
	CI	Sammer, Harald W. Online Stock Trading Systems: Study of an Application, IEEE Compcon, Spring of 1987.	
	CJ	Malone, Thomas W., Yates, Joanne, Benjamin, Robert I., Electronic Markets and Electronic Hierarchies, Communications of ACM, Jun. 1987.	
	CK	Clemons, E.K., Row, C., Merrill Lynch Cash Mgmt Account Financial Svc: A Case Study in Strategic Info Systems, 21st Annual Hawaii Int. Conf. on Sysm Sci. 1988 V. 4.	
	CL	Finebaum, M., Information Systems in the Securities Industry, 21st Annual Hawaii Int. Conf. on System Sciences, 1988, vol. 4.	
	CM	Sager, M.T., Competitive Alliances with Info. Tech. The Australian Retail Banking Experience, 22nd Annual Hawaii Int. Conference on System Sciences, 1989, vol. 4.	
	CN	Gutner, Tammi, Fine if You're Big, The Banker, Oct. 1988.	
	CO	Arend, Mark, Swift Speeds up as Broker/Dealers Join, Wall Street Computer Review, Jan. 1989.	
	CP	Essinger, James, ISE'S 'SAEF' Debuts to Make the Market Sound, Wall Street Computer Review, May 1989.	
	CQ	Freund, W.C., Electronic Trading and Linkages in Intn'l Equity Markets, Financial Analysis Journal, May-Jun. 1989.	
	CR	Schmerken, Ivy, High-Tech Banks Set to Challenge Wall Street, Wall Street Computer	

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Substitute for form 1449/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i>				Complete if Known	
				Application Number	Divisional of 09/563,461
				Filing Date	Concurrently Herewith
				First Named Inventor	Michael Togher
				Art Unit	N/A
				Examiner Name	Not Yet Assigned
Sheet	3	of	4	Attorney Docket Number	E3331.0586/P586

		Review, Jul. 1989.	
	CS	Arend, Mark, Banks Lure Investors with High-Tech Convenience, Wall Street Computer Review, Dec. 1989.	
	CT	Arend, Mark, Where Wall Street's Tending in Trading Systems Design, Wall Street Computer Review, Jun. 1990.	
	CU	Brennan, P.J., OTC Trading Systems Lead in Race to Automate, Wall Street Computer Review, Nov. 1990.	
	CV	Cody, B.J., Reducing the Costs and Risks of Trading Foreign Exchange, Wall Street Computer Review, Nov. 1990.	
	CW	Arend, Mark, Seer Technologies Still Learning to Fly, Wall Street Computer Review, Jun. 1991.	
	CX	Goodman, Ann, The MONEP: Mixing Men and Machines for Market Might, Wall Street Computer Review, Aug. 1991.	
	CY	Heyman, D.P., A Performance Model of the Credit Manager Algorithm, Computer Networks and ISDN Systems, Mar. 1992.	
	CZ	Rihaczek, Karl, Teletrust, Computer Networks and ISDN Systems, 1987.	
	CA1	Hansell, Saul, The Wild, Wired World of Electronic Exchanges, Institutional Investor, Sep. 1989.	
	CB1	Turoff, Murray, Chinai, Sanjit, An Electronic Information Marketplace, Computer Networks and ISDN Systems, 1985.	
	CC1	Tulley, C., International Banking and Communications, Networks and Electronics Office Systems, 1985.	
	CD1	Method for Collection of Accounting Data, IBM Technical Disclosure Bulletin, 1986.	
	CE1	Banks Look to Build FX Order-Matching System Quotron Eyed as Vendor, Minex as Co-Sponsor?, FX Week, May 17, 1991.	
	CF1	TST Interviews Evan Schulman, Automated Trading Pioneer, Trading Systems Technology, Jul. 15, 1991.	
	CG1	Special Report: Citibank Mulls Strategy to Gain Control of Trading Systems, Trading Systems Technology, Oct. 7, 1991.	
	CH1	Staying in the Middle: . . . Brokers are Fighting to Keep Their Role in the Market; Includes Related Article on Crossing Networks, Wall Street Comp. Rvw., Dec. 1991.	
	CI1	Technology: ABN-AMRO Signs on Dotted Line as the Twelfth EBS Member, FX Week, Dec. 14, 1992.	
	CJ1	Davis, Stephen G., Two Rivals to Reuters' F/X System April Launches, Bank Letter, Nov. 30, 1992.	
	CK1	Two Rivals to Reuters' F/X System April Launches, Wall Street Letter, Nov. 30, 1992.	
	CL1	Reuters to Offer Last-Trade Feed of Currency Rates, Inside Market Data, Jun. 8, 1992.	
	CM1	Jeffries, AZX, Others Team with Buy-Side Software System, Wall Street Letter, Jun. 8, 1992.	
	CN1	Clean Air Futures; Chicago Board of Trade's Proposed Emissions Credit Trading Program, Sulphur, May 1992.	
	CO1	Proprietary Execution: Minex Secures Asian Support for Order-Matching System, Trading Systems Technology, Jan. 27, 1992.	
	CP1	Goodman, Ann, New Trading Products Spawn New Systems; The Chicago Board of Trade is Building a New Electronic Trading System, Wall Street Comp. Rvw. Jan. 1992.	
	CQ1	Proprietary Execution: Quotron, EBS Demo Prototype of Forex Order-Matching System, Trading Systems Technology, Nov. 4, 1992.	
	CR1	Eleven Banks, Quotron Unveil EBS Demo Anonymous Forex Order-Matching System, FX Week, Nov. 1, 1991.	

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Substitute for form 1449/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i>				Complete if Known	
				Application Number	Divisional of 09/563,461
				Filing Date	Concurrently Herewith
				First Named Inventor	Michael Togher
				Art Unit	N/A
				Examiner Name	Not Yet Assigned
Sheet	4	of	4	Attorney Docket Number	E3331.0586/P586

	CS1	Keith, C. The Overdue Revolution; Equity Trading in the Post-Electronic Age: A Working Plan for a Customer-Based System, Invstmt Dealer's Digest, Sep. 30, 1991.	
	CT1	AVCO Financial Corp.: Recurrence Software for the Serious Trader; Recurrence Real-Time Currency Trading System, Mag. of Comm & Options, Sep. 15, 1991.	
	CU1	Banks Ready to Give up on Reuters, Top of the Week; p. 16, Jun. 10, 1991.	
	CV1	Fingleton, Eamonn, Tokyo Takes on Reuters in the Race to Wire the Forex World, International Japan Journal; p. 35, Dec. 1990.	
	CW1	Arend, M., New Systems Lighten Load on Bank Securities Wings . . . , Wall Street Computer Review, Nov. 1990.	
	CX1	Ivy Schmerken, The Electronic Broker that Could, Wall Stree Computer Review vol. 8, No. 12, p. 42	
	CY1	Securities and Exchange Commission, Action: Policy Statement, Nov. 16, 1989.	
	CZ1	Letter from M. Pierre Fleuriot, Re: Distributions of Certain French Securities, Jun. 7, 1994.	
	CA2	Letter from Lloyd H. Feller, Esq., Re: The Lattice Network, Sep. 9, 1993.	
	CB2	Letter from Charles R. Hood, Esq., Re: Instinet Corporation Crossing Network, Jul. 1, 1992.	
	CC2	Letter from Patteson Branch, Jun. 5, 1991.	
	CD2	Letter from Patteson Branch, Re: Exchange Services, Inc., Sep. 11, 1991.	
	CE2	Letter from Robert A. McTamane, Esq.	
	CF2	Letter from Robert A. McTamane, Esq., Re: RMJ Securities Jan. 12, 1989.	
	CG2	VAX-11 Version of "IBIS" Released by Tymshare, Computer World May 9, 1983.	
	CH2	Proposed Rulemaking, Proprietary Trading Systems Securities and Exchange Commission, Apr. 11, 1989.	
	CI2	Republic National Bank of New York Selects Remos-FX, Newswire Assoc., Inc. Sep. 12, 1989.	
	CJ2	Schmerken, Ivy, What's Next on Wall Street's Automation Agenda? Trading Technology, Wall Street Computer Review, Apr. 1989.	
	CK2	Debow, Y., Foreign Banks Equip for Battle in the U.S.; Includes Related Article on The Union Bank of Switzerland's Private Network Expansion, Dealers' Digest 1989.	
	CL2	Electronic Banking & Finance, July 1990, NL, pages 3-4, "Quotron Introduces New Foreign Exchanges Dealing System.	
	CM2	Herman, Tom: "The Next Voices These Traders Hear May Be A Computer - EJV Brokerage's New System of Sound Recognition Matches Buy, Sell Orders"; May 29, 1991; The Wall Street Journal, Pages 1-2	
	CN2	Newman, Anne: "Nasdaq Readies Link to Global, Predawn Trading"; January 14, 1992, Asian Wall Street Journal, Pages 1-3	

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹Applicant's unique citation designation number (optional). ²Applicant is to place a check mark here if English language Translation is attached.